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Attorney for Defendant THY CHANN

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THY CHANN,

Defendant/Movant

Case No.: 2:99-CR-00433 WBS-AC

STIPULATION AND ORDER TO
CONTINUE SENTENCING OF THY
CHANN TO SEPTEMBER 14, 2020

The parties to this action, Defendant THY CHANN, by and through appointed counsel, Lindsay Weston, and Plaintiff United States of America, by and through its attorney of record, McGregor W. Scott, United States Attorney, and Jason Hitt, Assistant United States Attorney, stipulate and request this Court order the sentencing in this matter currently set for June 29, 2020, in this Courtroom, reset to September 14, 2020, at 9:00 a.m. ECF 1836.

The request to continue the sentencing from June 29, 2020, to September 14, 2020, at 9:00 a.m. is made by defendant, THY CHANN. Undersigned counsel, Lindsay Weston, in the factual basis related below, represents that a continuation of the sentencing is required to allow defendant sufficient time to provide necessary information to Probation Officer Julie Besabe for the preparation of a Presentence Report. If this Court accepts the Magistrate Judge's Findings

STIPULATION AND ORDER TO CONTINUE SENTENCING OF THY CHANN TO SEPTEMBER 14, 2020 - 1

1 and Recommendations, Counts 2, 3, 7, and 9 of the Indictment will be dismissed. ECF 1810.
2 This Court will resentence THY CHANN on Counts 1, 6, and 8, and set the sentencing date for
3 June 29, 2020, further ordering the United States Probation Office to prepare a Presentence
4 Report. ECF 1834, 1836. Undersigned counsel Weston represents that many documents
5 necessary to the defense, among others, are not available through online filing and must be
6 obtained through Probation archives which, because of health measures in place for COVID-19,
7 are not currently accessible. Undersigned counsel Weston further represents that THY CHANN
8 is incarcerated in U. S. P. Coleman 1, in Wildwood, Florida, and communications of necessary
9 legal matters is slow and made more difficult by the partial lockdowns by the Bureau of Prisons
10 for health reasons related to COVID-19.
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13 Undersigned counsel Weston represents that she spoke with THY CHANN on
14 May 5th, 2020, and he is not opposed to a continuance of the sentencing date. United States
15 Probation Officer Julie Besabe does not oppose the defendant's request for a new sentencing date.
16 The parties further request that this Court, aside from setting a new sentencing date, adopt the
17 Schedule for preparation and disclosure of the Presentence Report contained in the
18 accompanying [Proposed] Order.
19

20 Dated: May 11, 2020

/s/ LINDSAY WESTON

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22 LINDSAY WESTON
Attorney for Thy Chann

23 Dated: May 11, 2020

/s/ JASON HITT

24 JASON HITT
25 Assistant United States Attorney
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ORDER


The Court, having received, read and considered the Stipulation of the parties, and good cause appearing therefrom, adopts the Stipulation of the parties as its Order.

It is further Ordered that the Judgement and Sentencing in now set for September 14, 2020 at 9:00 a.m. in Courtroom 5 and that further the parties shall comply with Disclosure and Objections to the Presentence Report as follows:

Draft Presentence Report disclosed by:	August 3, 2020
Parties written objection to draft PSR by:	August 17, 2020
Presentence Report filed and disclosed by:	August 24, 2020
Formal Objections to PSR filed by:	August 31, 2020
Reply or Statement of Non-Opposition by:	September 7, 2020.

IT IS SO ORDERED.

Dated: May 13, 2020



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE